

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ROBBE B. MILLER,

Plaintiff,

v.

ORDER

WISCONSIN DEPARTMENT OF CORRECTIONS,
DR. ADLER, TAMMY MAASEN,
DAVID BURNETT, SHARON
ZUNKER and JAMES GREER,

08-cv-62-bbc

Defendants.

Plaintiff is proceeding in this case on three claims: 1) defendant Dr. Adler denied him a cane and deliberately failed to treat plaintiff's pain, in violation of the Eighth Amendment; 2) the Wisconsin Department of Corrections violated the Americans with Disabilities Act by refusing to provide him a cane; and 3) defendants Maasen, Greer, Burnett and Zunker, employees of the Department of Corrections' Bureau of Health Services, were deliberately indifferent to his serious medical needs and violated the Americans with Disabilities Act by failing to intervene when plaintiff complained to them that defendant Adler was refusing to provide him with a cane and proper treatment for his pain. On December 23, 2008, defendants moved for summary judgment.

Now plaintiff moves to stay defendants' motion. I understand plaintiff to be saying that the motion should be stayed until he is seen for his medical conditions by an unbiased specialist, but he does not suggest that he has hired such a specialist to examine him or otherwise made arrangements on his own to meet an "unbiased specialist."

Perhaps plaintiff is asking that the court appoint a specialist to examine him and serve as his expert witness. As I told plaintiff in an order entered in this case on December 1, 2008, I cannot appoint an expert witness to assist him in presenting his claim because the funds to pay for his expert are not available under 28 U.S.C. § 1915 and are not compelled under Fed. R. Evid. 614 or 706(b).

Because there is no basis for granting the motion, plaintiff's motion to stay a decision on defendants' motion for summary judgment will be denied.

ORDER

IT IS ORDERED that plaintiff's motion to stay defendants' motion for summary

judgment, dkt. #85, is DENIED.

Entered this 21st day of January, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge